



S&H Form: (2/01)
Docket No.: 1349.1305

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hyung-soo KIM

Serial No. 10/659,434

Group Art Unit: 2872

Confirmation No. 4095

Filed: September 11, 2003

Examiner: James Phan

For: COLLIMATING LENS WITH TEMPERATURE COMPENSATION AND AN OPTICAL
SCANNING APPARATUS USING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed April 19, 2005, having a shortened period for response set to expire on May 19, 2005, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group I, which is drawn to a collimating lens in response to the restriction requirement set forth in the Office Action. As such, Applicants elect claims 1-5, 9, 11 and 15-21.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claims 6-8 and 12-14 are so closely related to elected claims 1-5, 9, 11 and 15-21 that they should remain in the same application. The elected claims 1-5, 9, 11 and 15-21 are directed to a collimating lens that, for example, may be used for an optical scanning apparatus, and claims 6-8 and 12-14 are drawn to an optical scanning apparatus that comprises a collimating lens. There have been no references cited to show any necessity for requiring restriction, and in fact, it is believed that the Examiner would find references containing both groups of claims in the same field of technology. Further, the Applicants respectfully submit that evaluation of all claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to the

Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claims 1-5, 9, 11 and 15-21 to be a separate invention from claims 6-8 and 12-14, the Applicants respectfully request the Examiner to consider all the claims together.

III. Conclusion

Upon review of references involved in this field of technology, when considering that elected claims 1-5, 9, 11 and 15-21 and claims 6-8 and 12-14 are respectively directed to a collimating lens and an optical scanning apparatus having a collimating lens, and when all of the other various facts are taken into consideration, it is believed that all of the pending claims should be examined in the subject application.


In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5-17-05

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